THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.6475 of 2001

Dated:15.06.2007

Between:

Smt.Badha Suvarna Roja Premabai.

…Petitioner

and

State of A.P., rep.by its Secretary, Tribal Welfare, Govt.of A.P., Social Welfare Department, Secretariat Buildings, Hyderabad, and others.

…Respondents

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AND
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ORDER: (Per the Hon'ble Sri Justice V.V.S.Rao)

The petitioner herein purchased land admeasuring Ac.0.99 cents in Survey No.139/1 of Thimmapuram Village, Addateegala Mandal in East Godavari District. The fifth respondent herein filed L.T.R.P.No.26 of 1990 before the third respondent under Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959), as amended by Regulation I of 1970 ('Regulation' for brevity). The petitioner contended that she belongs to Valmiki community, and that the same has been treated as scheduled tribe, and therefore, the transaction is not rendered void. Nonetheless, the third respondent passed orders on 07.04.1994 ordering ejectment of the petitioner. The petitioner unsuccessfully filed an appeal, and her appeal, being C.M.A.No.20 of 1994, was dismissed by the Agent to the Government on 22.11.1996. The petitioner then preferred revision under Section 6 of the Regulation, which was dismissed by the Government, vide G.O.Ms.No.65 dated 09.08.2000. Aggrieved by the same, the present Writ Petition is filed.

Learned Counsel for the petitioner strenuously contends that

when the petitioner purchased the land in 1970, the petitioner who belongs to Mala, resident of agency, was treated as Valmiki scheduled tribe, and therefore, Section 3(1)(a) of the Regulation is not attracted to the case. This allegation is refuted by the learned Government Pleader.

A perusal of the record placed before us would show that the Malas in agency areas were included in the list of scheduled tribes by way of a Memo/Circular dated 20.02.1988. This was challenged in W.P.No.14817 of 1988, and this Court invalidated the same on the ground that it is not for the Collector to include or exclude the castes or communities from the list of scheduled tribes. Against the said Writ Petition, a Writ Appeal, being W.A.No.650 of 1992, was filed, which was pending. Now, the learned Counsel for the petitioner fairly submits that the Writ Appeal has now been dismissed, and as it stands, Malas residing in agency areas, even if they call themselves Valmikies, cannot be treated as scheduled tribes. Thus, the petitioner can never be treated as a member of scheduled tribe, and therefore, the impugned order does not suffer from any infirmity or illegality.

The Writ Petition is devoid of merits, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

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(G.V.SEETHAPATHY, J)

15.06.2007
vs